

(9)

In the Central Administrative Tribunal
Principal Bench: New Delhi

✓ OA No.366/92

Date of decision: 20.04.1993.

Shri Bhubneswar Prasad

...Petitioner

Versus

Union of India through the
Secretary, Ministry of Home Affairs,
New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

None

For the respondents

Shri N.S. Mehta, Senior
Standing Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

Shri A.K. Bhardwaj, Counsel who was representing the petitioner withdrew himself from the case. By the mutual agreement of the learned counsel for the parties the case was listed for final arguments today/ vide order dated 15.2.93. The petitioner also is not present in the Court. In the circumstances, we have decided to peruse the pleadings and dispose of the matter with the help of the learned senior standing counsel for the respondents. The case of the petitioner is that he was engaged as a casual labour in the Staff Selection Commission (SSC for short). His services were terminated on 7.2.1992. Aggrieved by the termination of the service he approached the Tribunal praying for the relief that the respondents be restrained from terminating the services of the applicant as casual labour and his termination be declared as illegal and arbitrary. He further prayed that his services should be regularised by absorption in a Group 'D' post.

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2. Shri N.S. Mehta, Senior Standing Counsel for the respondents submitted that the casual labour in the SSC is appointed to undertake the jobs which arise from the holding of examinations. These jobs are available from examination to examination. They are not continuous. In the present case it is also not the case of the petitioner that he had put in 240/206 days' continuous service for two consecutive years. As such, the question of regularising him against a Group 'D' post does not arise. The learned Senior Standing Counsel further submitted that the Tribunal had passed an order on 12.2.1992, directing the respondents to maintain status quo as regards the continuance of the applicant as casual labourer in the office of the respondents so long as they need the services of the casual labourers and in preference to his juniors and outsiders. This order, however, could not be implemented, as the services of the petitioner had already been terminated on 7.2.1992, as conceded by the applicant in paragraph-4.4 of the O.A. The respondents, however, are directed that the petitioner should be considered for appointment as casual labour as and when there is work available in preference to his junior and outsiders.

3. The O.A. is disposed of, as above. No costs.

J. P. Sharma
(J.P. SHARMA)
MEMBER(J)

I. K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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